

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ETHAN RADVANSKY, on behalf of
himself and others similarly situated,

Plaintiff,

v.

DESTINATION XL GROUP, INC.,

Defendant.

No. 1:25-cv-02777-TWT

CLASS ACTION

JURY TRIAL DEMANDED

**DEFENDANT’S MOTION TO DISMISS
AND/OR STRIKE PLAINTIFF’S COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Destination XL Group, Inc. hereby moves to dismiss all claims asserted in Plaintiff Ethan Radvansky’s Complaint based on a failure to state a claim upon which relief may be granted. Alternatively, Defendant moves to strike Plaintiff’s deficient class allegations in the Complaint pursuant to Federal Rules of Civil Procedure 12(f) or 23. For all the reasons shown in its contemporaneously filed Memorandum, Defendant respectfully requests the Court either dismiss all claims asserted against it or strike Plaintiff’s class allegations in the Complaint.

Dated: August 4, 2025

Respectfully submitted,

By: /s/ Spencer M. Stephens

BRADLEY ARANT BOULT CUMMINGS LLP

Nancy H. Baughan (Georgia Bar No. 042575)
Spencer M. Stephens (Georgia Bar No. 920774)
nbaughan@bradley.com
smstephens@bradley.com
Promenade Tower, Suite 2100
1230 Peachtree Street NE
Atlanta, GA 30309
(404) 868-2100
(404) 868-2010 (facsimile)

MANATT, PHELPS & PHILLIPS, LLP

Stephen D. Libowsky (GA Bar No. 451965)
A. Paul Heeringa (*admitted pro hac vice*)
151 N. Franklin Street, Suite 2600
Chicago, Illinois 60606
Tel: (312) 529-6300
Email: slibowsky@manatt.com
pheeringa@manatt.com

Counsel for Defendant Destination XL Group, Inc.

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), the undersigned hereby certifies that this document has been prepared in accordance with Local Rule 5.1(C).

Dated: August 4, 2025

Respectfully submitted,

/s/ Spencer M. Stephens

Spencer M. Stephens

Counsel for Defendant Destination XL Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document electronically on the Court's CM/ECF docket on August 4, 2025 which served same electronically upon all counsel of record.

Dated: August 4, 2025

Respectfully submitted,

/s/ Spencer M. Stephens

Spencer M. Stephens

Counsel for Defendant Destination XL Group, Inc.